

To the Honorable Council City of Norfolk, Virginia

April 12, 2016

From:

George M. Homewood, FAICP, CFM, Planning Director

Subject:

Special Exception to operate an Eating and Drinking Establishment at 999 Waterside

Drive, Suite 113 - Tinto Wine and Cheese, Etc.

Reviewed:

/ anles

Ward/Superward: 2/6

Ronald H. Williams, Jr., Deputy City Manager

Approved:

Marcus D. Jones, City Manager

Item Number:

R-10

I. Staff Recommendation: Approval.

- II. Commission Action: By a vote of 7 to 0, the Planning Commission recommends Approval.
- III. Request: Special Exception to operate an eating and drinking establishment.
- IV. Applicant: Tinto Wine and Cheese, Etc.
- V. Description:
 - The property is located in a ground-floor suite inside Dominion Tower.
 - This request would allow Tinto Wine and Cheese, an existing business selling alcohol for off-premises consumption, to serve alcohol for on-premises consumption.
 - The applicant proposes to offer on-premises wine tastings and pairings.

	Current	Proposed	
Hours of Operation and for the Sale of Alcoholic Beverages for Off-Premises Consumption	10:00 a.m. until 10:00 p.m., seven days a week	same	
Hours for the Sale of Alcoholic Beverages for On- Premises Consumption	N/A	10:00 a.m. until 10:00 p.m., seven days a week	
Capacity	N/A	12 seats indoors 0 seats outdoors 18 total capacity	

VI. Historic Resources Impacts

The site is not within any local, state or federal historic district.

VII. Public Schools Impacts

This site is located within the Tidewater Park Elementary School, Ruffner Academy Middle School, and Booker T. Washington High School Attendance Zones.

Staff point of contact: Susan Pollock Hart at 664-4765, susan.pollock@norfolk.gov

Attachments:

- Staff Report to CPC dated March 24, 2016 with attachments
- Proponents and Opponents
- Letter of support from the Downtown Norfolk Civic League
- Ordinance

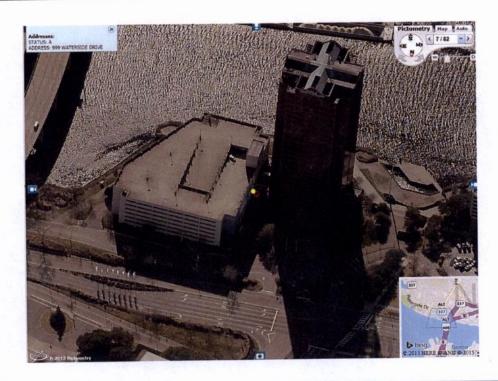


Planning Commission Public Hearing: March 24, 2016

Executive Secretary: George M. Homewood, AICP, CFM JM N

Planner: Susan Pollock Hart, CFM

Staff Report	Item No. 13				
Address	999 Waterside Drive				
Applicant	Tinto Wine and Cheese, Etc				
Request	Special Exception	Eating and drinking establishment			
Property Owner	ancial Associates and Four Bees				
	Site/Space	2.6 acres/443 square feet			
	Future Land Use Map	Downtown			
Site Characteristics	Zoning	D-1 (Downtown Waterfront)			
	Neighborhood	Downtown			
	Character District	Downtown			
	North	D-1: City Hall Civic Center			
Surraunding Area	East	D-1: Parking garage; Interstate 264			
Surrounding Area	South	D-1: Elizabeth River			
	West	D-1: Sheraton Hotel and Conference Center and Waterside			



A. Summary of Request

- The property is located in a ground-floor suite inside Dominion Tower.
- This request would allow, Tinto Wine and Cheese, an existing business selling alcohol for off-premises consumption, to serve alcohol for on-premises consumption.
 - The applicant proposes to offer on-premises wine tastings and pairings.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as downtown.

C. Zoning Analysis

i. General

The site is zoned D-1, which permits the proposed use by special exception.

	Prior	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages for Off-Premises Consumption	10:00 a.m. until 10:00 p.m., seven days a week	same
Hours for the Sale of Alcoholic Beverages for On- Premises Consumption	N/A	10:00 a.m. until 10:00 p.m., seven days a week
Capacity	N/A	12 seats indoors 0 seats outdoors 18 total capacity

· Special exception history:

City Council Approval	Applicant	Request	
August 2015	Tinto Wine and Cheese	Sale of Alcoholic Beverages for Off- Premises Consumption	
Pending	Tinto Wine and Cheese	Eating and Drinking Establishment	

ii. Parking

The site is located within the D-1 zoning district, which does not require off-street parking.

iii. Flood Zone

The property is located in the AE, X and X shaded Flood Zones; however, no structural change to the building is proposed.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that this restaurant will generate 58 additional vehicle trips per day by adding 12 dining seats at this existing retail location.
- Waterside Drive adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

The site is not within any local, state or federal historic district.

F. Public Schools Impacts

This site is located within the Tidewater Park Elementary School, Ruffner Academy Middle School, and Booker T. Washington High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping site improvements to this existing building.

H. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below, the proposed retail sale of wine and beer for off-premises consumption should not have a negative effect on the surrounding neighborhood.
- Over the past year, there were 68 calls for service with 2 arrests made for the Dominion Tower site.

Payment of Taxes

The owner of the property is current on all real estate taxes.

J. Civic League

Notice was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on February 9.

K. Communication Outreach/Notification

- Legal notice was posted on the property on February 16.
- Letters were mailed to all property owners within 300 feet of the property on March 11.
- Legal notification was placed in *The Virginian-Pilot* on March 10 and March 17.

L. Recommendation

Staff recommends approval of the special exception request subject to the conditions below:

- (a) The hours of operation for the sale of alcoholic beverages shall be from 10:00 a.m. until 10:00 p.m. Monday through Saturday and from 10:00 a.m. until 7:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 12 seats indoors, 0 seats outdoors, and the total occupant capacity, including employees, shall not exceed 18 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a

general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (i) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (j) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notice to the Downtown Norfolk Civic League and Downtown Norfolk Council

Proponents and Opponents

Proponents

Crystal Stump 3088 Moonlight Road Smithfield, VA 23430

Opponents

None

03/22/2016 lds

Form and Correctness Approve

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "TINTO WINE & CHEESE, ETC." ON PROPERTY LOCATED AT 999 WATERSIDE DRIVE, SUITE 113.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Everyday Wine, LLC authorizing the operation of an eating and drinking establishment named "Tinto Wine & Cheese, Etc." on property located at 999 Waterside Drive, suite 113. The property which is the subject of this Special Exception is more fully described as follows:

Property located on the southeast corner of Waterside Drive and St. Paul's Boulevard fronting 320 feet, more or less, along the southern line of Waterside Drive and 150 feet, more or less, along the eastern line of St. Paul's Boulevard; premises numbered 999 Waterside Drive, suite 113.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages for on-premises consumption shall be limited to 10:00 a.m. until 10:00 p.m. Monday through Saturday and 10:00 a.m. until 7:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 12 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 18 people.
- (c) This special exception shall terminate in the event

of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- The business authorized by this special exception (f)conducted in accordance with the shall be Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (g) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (h) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to

use, operate, rent, or host any event on the premises.

(i) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- development will be and proposed use The (d) constructed, arranged and operated so as not to development of and interfere with the use with the accordance property in neighboring applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities,

drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (4 pages)



EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date 1/12/1(0					
Trade name of business Into Wine & Choese Etc					
Address of business 999 Waterside Dr. Stells, Norfolk 23510					
Name(s) of business owner(s)* Everyday Wine UC T. Picha.					
Name(s) of property owner(s)* Demonson Tower Financial Associates Lic / Han Jo					
Daytime telephone number (751) 325-5413					
*If business or property owner is partnership, all partners must be listed. *If business or property owner is an LLC or Corporation, all principals must be listed.					
1. Proposed Hours of Operation:					
Weekday From I am To John Weekday From Jam To John					
Friday From 1 am To 10 pm Friday From 1 am To 10 pm					
Saturday From 1 am To 10 pm Saturday From 1 am To 10 pm					
Sunday From I am To Jom Sunday From 1 law To Joms					
Type of ABC license applied for (check all applicable boxes) On-Premises					
3. Type of alcoholic beverage applied for Beer Mixed Beverage					
4. Will indoor or outdoor entertainment be provided? (Entertainment consists of anything more than one, unamplified musician) □ Yes (Different application required) □ Tho					

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810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015)

Exhibit A – Page 2 Eating and Drinking Establishment

5.	Will vid □ Yes	Will video games, pool tables, game boards or other types of games be provided? ☐ Yes (If more than 4, additional application required)					
	5a.	If yes, please describe type and number of each game to be provided					
6.		atrons ever be charged to enter the establishment?					
	□ Yes	No					
	6a.	If yes, why					
	6b.	Which days of the week will there be a cover charge (circle all applicable days)	?				
		Monday Tuesday Wednesday Thursday Friday					
		Saturday Sunday					
7.	Will th	ne facility or a portion of the facility be available for private parties?					
	7a.	If yes, explain					
8.	Will a Yes	third party (promoter) be permitted to lease, let or use the establishment?					
	8a.	If yes, explain					
9.	Will th	here ever be a minimum age limit?					

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Exhibit A – Page 3 Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

(whethy operating of a Direct Bear Of Premises

establishments of Dunars have a sister Wino/Choese location
in VI Beach that is Wine & Bear On & Off Premises

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

yetal Sturmf

Signature of Applicant

(Authorized Assert)

Exhibit A – Floor Plan(s) Worksheet Eating and Drinking Establishment

- · Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - o Tables/seats
 - o Restroom facilities
 - o Bar
 - o Ingress and egress
 - o Standing room

c. Number of employees

- o Outdoor seating
- Total maximum capacity (including employees)

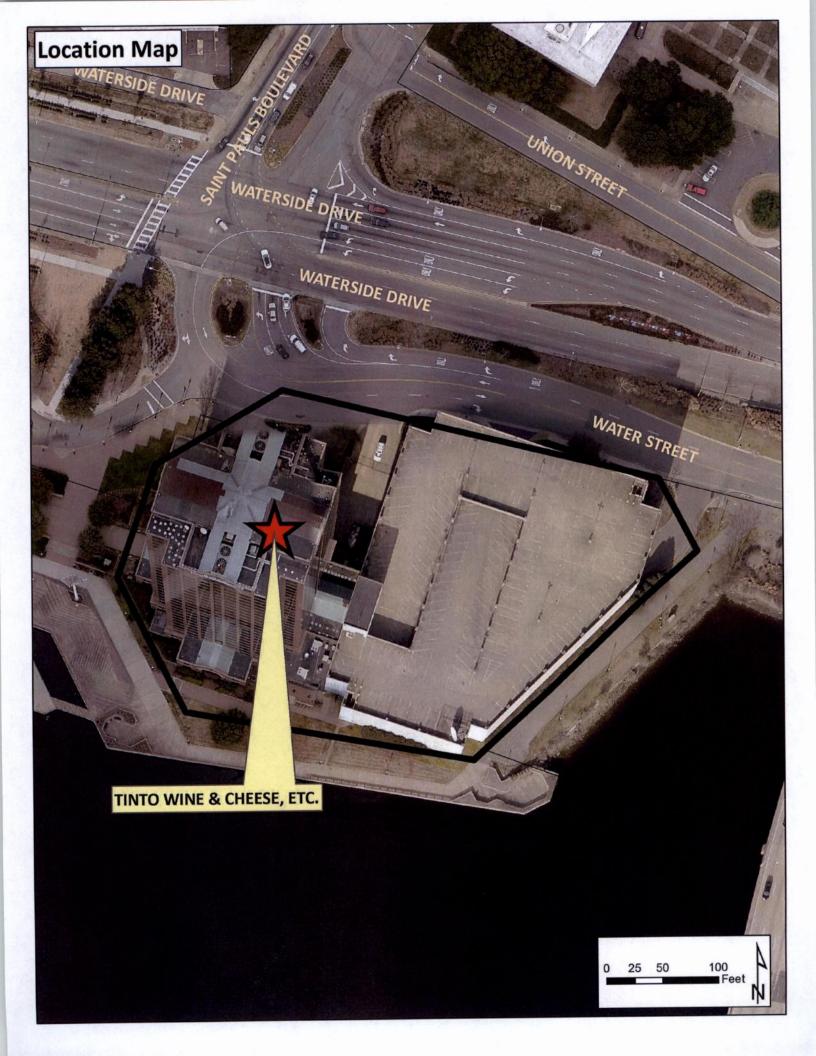
Total capacity

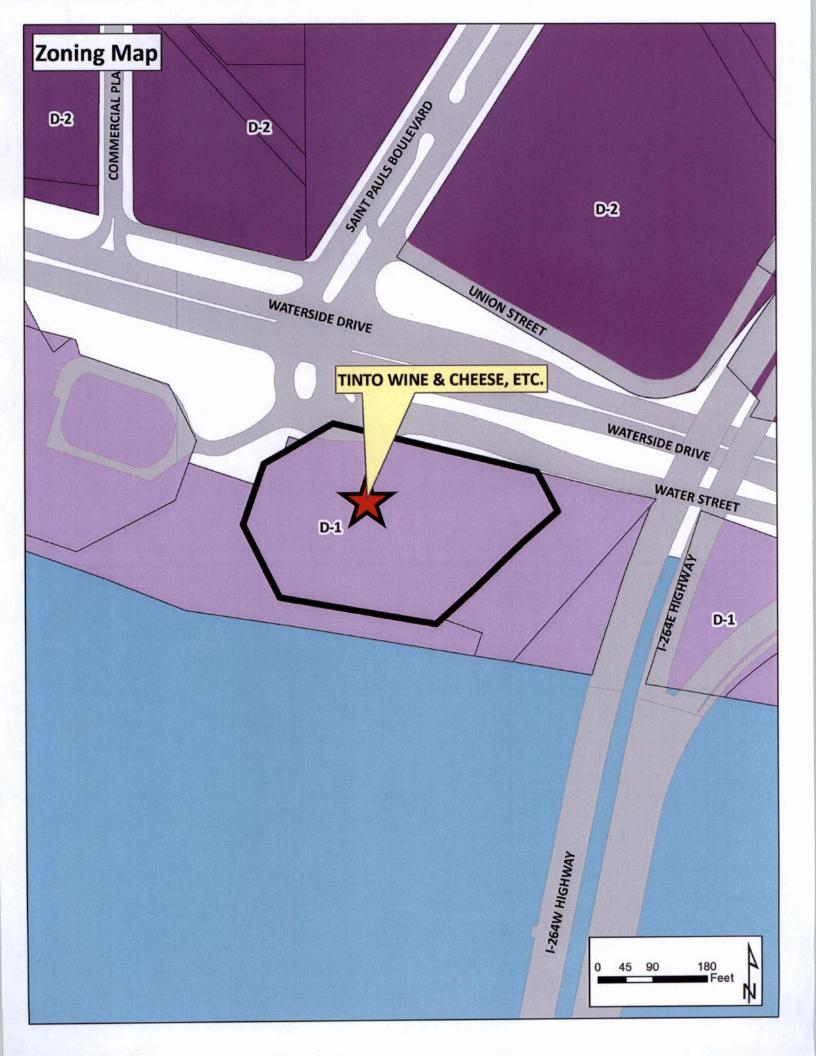
a.	Indoor				
	Number of seats (not including bar seats)				
	Number of bar seats				
	Standing room				

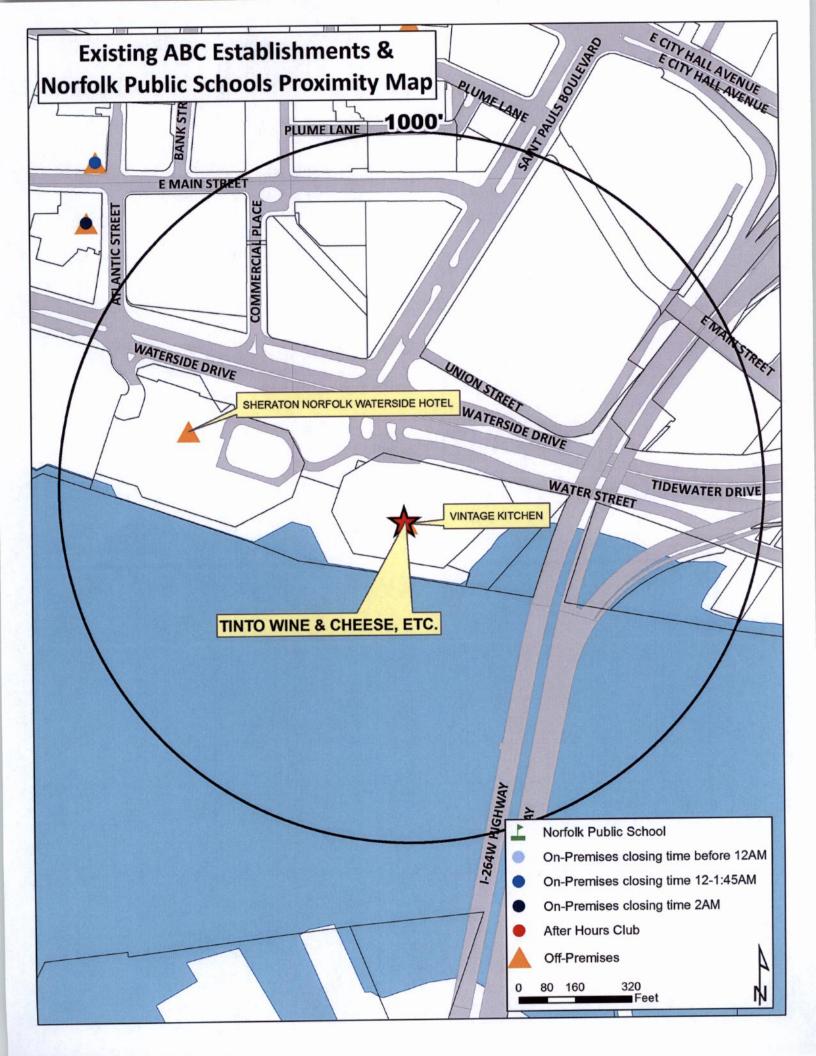
b.	Outdoor	Ch
	Number of seats	

Total Occupancy (Indoor/Outdoor seats, standing room and employees) =

Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015)









APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT (Please print)

Date 1/11/16
DESCRIPTION OF PROPERTY
Address 999 Waterside Dr. Stell3, Novefolt, 23510
Existing Use of Property Pestawand with Wine & Beer Aff Premises Priviles
Proposed Use Restaurant with Wine & Been On & Off Premise
Current Building Square Footage 443
Proposed Building Square Footage 443
Trade Name of Business (if applicable) Tinto Wine & Cheese, Etc
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)
Everyday Wike UC 1. Name of applicant: (Last) Brinkman (First) Peto: (MI) J
Mailing address of applicant (Street/P.O. Box): 5337 Club Head Pd
(City) Virginia Reach (State) VA (Zip Code) 23455
Daytime telephone number of applicant (751) 325-5413 Fax (
E-mail address of applicant: peter @ tintova beach.com

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	AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)
	ABC Consulting WALLC
	2. Name of applicant: (Last) Stury (First) Crystal (MI) &
	Mailing address of applicant (Street/P.O. Box): 1807 S. Church St. #108-PMB 119
	(City) Smithfield (State) VA (Zip Code) 38430
	Daytime telephone number of applicant (151) 610-9773 Fax 600) 218-6165
	E-mail address of applicant: Orystal Cabuonshellingva com
/15	PROPERTY OWNER property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)
(11	Dominion Tower Financial Associates and Four Bees-DT, UC
	3. Name of property owner: (Last)(First)(MI)
	Mailing address of property owner (Street/P.O. box): 999 Waterside Dr. Ste 2300
	(City) Novfolk (State) VA (Zip Code) 23510
	Daytime telephone number of owner (157) 1040 - 08email: rfredman Charborg. 1011
	CIVIC LEAGUE INFORMATION
	Civic League contact: Downtownbodolt Civic League, Kevin Murphy
	Date(e) contacted: 1/2/1/0
	Ward/Super Ward information: Ward 2! Therepa Whibley; Super Ward 6 Barday Winn
	Barday winn

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REQUIRED ATTACHMENTS

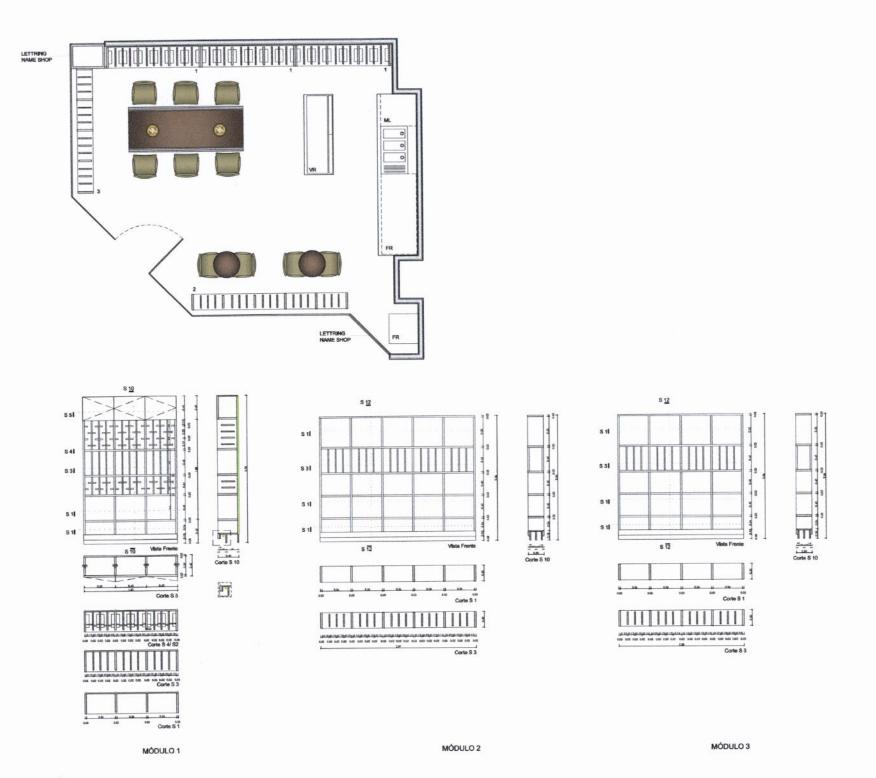
- Required application fee, <u>\$355.00</u> (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

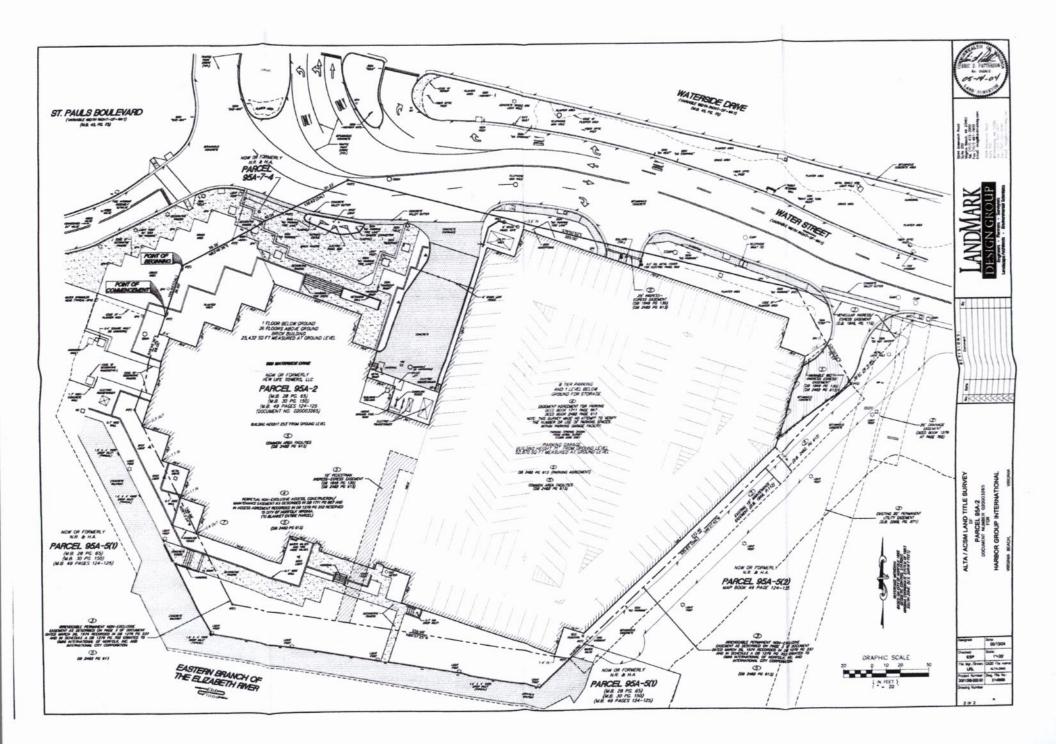
	ON mit this complete app and accurate to the bes			formation	contained
Print name:	Justin CORN (Property Owner or Authori	Sign: vized Agent of	Studenture)		13 12015
Print name:	(Applicant)	Sign:	(Date)	/_	_/
ONLY NEEDED IF	APPLICABLE:				
Print name:	(Authorized Agent Signatur Crystal S	msign:_ re)	(Date)	,12	110

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(Revised January, 2015)





Simons, Matthew

From:

Straley, Matthew

Sent:

Wednesday, February 10, 2016 12:38 PM

To:

'dncl@welovenorfolk.org'; Miller, Mary

Cc: Subject: Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Pollock, Susan new Planning Commission application - 999 Waterside Drive

Attachments:

TintoWine_EatingDrinking.pdf

Mr. Murphy and Ms. Miller,

Attached please find the application for a special exception to operate an eating and drinking establishment at 999 Waterside Drive, Suite 113.

The item is tentatively scheduled for the March 24, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

Thank you.

Matthew Straley GIS Technician II



City Planning 810 Union Street, Suite 508 Norfolk, VA 23510 757-664-4769

Connect with us: www.norfolk.gov







----- Original Message ------

Subject: Re: Request for support - Adult Use Permit Eating and Drinking

for Tinto Wine

From: "Kevin R. Murphy" < krmurphy@verizon.net>

Date: Tue, January 12, 2016 7:13 am

To: "Natasha M. Harris" < natasha@abcconsultingva.com >

Hello,

The DNCL does not object to this application.

Thank you,

Kevin

From: Natasha M. Harris

Sent: Tuesday, January 12, 2016 6:48 AM

To: Kevin Murphy Cc: Crystal Stump

Subject: Request for support - Adult Use Permit Eating and Drinking for Tinto Wine

Mr. Murphy,

We are currently working with another location in your area, Tinto Wine & Cheese Etc, with obtaining and Adult Use Permit for Alcohol On and Off Premises Consumption. Please see attached Letter of Intent. We ask that you and your civic league support this endeavor.

If you have any questions or concerns, it would be our pleasure to address them. If you place this item on your next meeting agenda, please let us know the meeting details.

Thanks again,

Natasha

Natasha Harris | Lead Consultant | ABC Consulting

"Virginia's Alcohol Industry Specialists" 1807 S. Church St. #108-PMB 119, Smithfield, VA 23430 Phone: 757.876.9428 | Fax: 800.218.0165

natasha@abcconsultingva.com www.abcconsultingva.com www.toastva.com

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----- Original Message -----

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for Tinto Wine

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